

**APPLICATION FOR AN ADULT GAMING CENTRE PREMISES LICENCE -
GAMBLING ACT 2005
Little Vegas 214 Station Road, Edgware, HA8 7AR**

CASE OUTLINE

INTRODUCTION

1. Chongie Entertainment Limited make an application for a Gambling Act premises licence for an Adult Gaming Centre at 214 Station Road, Edgware, HA8 7AR. The company has an operating licence issued by the Gambling Commission - 057549-N-333196-001. All due diligence being carried out by the Gambling Commission, the operating licence is a benchmark of fitness and propriety to operate premises of this nature. This also deals with the licensing objective of “ensuring that gambling is conducted in a fair and open way.”

2. The applicant has had Gambling Act premises licences granted for:
 - Unit 1, Broadgate, The Broadway, Crawley, RH10 1HD

 - 17 High Road, Wood Green, N22 6BH;

 - 134/135 Friar Street, Reading, RG1 1EX

 - 7-8 Park Street, Luton, Bedfordshire, LU1 3EP

 - 3-5 Wardour Street, London, W1D 6PB

 - 574 High Road, Wembley, HA0 2AA

 - 16 Broadway, Peterborough, PE1 1RS

 - 9-10 George Street, Croydon, CR0 1PA

 - 29a Union Street, Aldershot, GU11 1EP

 - 370-372 Green Street, Upton Park, London, E13 9AP

- Part of Ground Floor & Basement, Nos 1/5 (odd) and Nos 2/6 (even) Bath Road, Hounslow, TW3 3HJ
- 320 Station Rd, Harrow HA1 2DX
- 842-844 High Rd, Leyton E10
- 36 King Street, Thetford, IP24 2AP
- 45 Market Place, Doncaster, DN1 1NJ
- 9 High St Boston PE21 8SH
- 2 Market Place, Wisbech PE13 1DT
- 133 High St Walthamstow E17 7DB
- 73 High Street, Bedford, MK40 1NE
- 141-143 King Street, London W6 9JG
- 172-174 High Road, Ilford IG1 1LL
- 78 Week Street, Maidstone ME14 1RJ
- 58-58a Abington Street, Northampton NN1 2AP

3. **Every premises licence application has been granted (many against strenuous opposition). There have been no regulatory concerns at any of the premises since they have opened.**

4. Joanne Craig fulfils the compliance role at Chongie. She has significant experience in the sector. After working for Mecca Bingo Limited for 14 years, Jo was a compliance manager at the Gambling Commission for 9 years, gaining extensive knowledge of the Gambling Act 2005 and the regulators function. During this period, she offered advice to co-regulators and licensed operators to enable a quick and efficient solution to gambling related issues. She visited licensed operators on behalf of the Commission to carry out audits of compliance policies and procedures and to advise or carry out enforcement actions as and where was necessary. For the last 6 years, Jo has

successfully established an independent gambling consultancy company. She has provided positive compliance solutions to the gambling industry either through advice, risk assessments, staff training or full compliance policies and procedures.

5. She has reviewed, amended and updated the policies provided to the authority. She has conducted audits at Chongie's premises and provides training on all gambling related issues. She prepared the Local Area Risk Assessment for this application.

THE LAW

6. As an experienced licensing sub-committee with legal advice will be aware, the Gambling Act sets out a different approach to the question of grant than the Licensing Act 2003. The approach relevant to gambling is detailed at Section 153 of the Gambling Act 2005:

*“In exercising their functions under this Part, a licensing authority **shall aim to permit** the use of premises for gambling in so far as the authority thinks it:*

(a) in accordance with any relevant code of practice [issued by the Gambling Commission]

(b) in accordance with any relevant guidance issued by the Commission

(c) reasonably consistent with the licensing objectives (subject to (a) and (b))

(d) in accordance with the [authority's statement of licensing policy] (subject to (a) to (c)).”

7. The following points should be noted:
 - a. The test is mandatory: *“a licensing authority shall”*
 - b. The obligation to *“aim to permit”* where (a) – (d) are satisfied is described by the Gambling Commission in its Guidance as *“the licensing authority's primary obligation”*
8. The Gambling Commission Guidance says:

“Licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through use of conditions”

- Conditions should only be added where it is necessary to do so, and even then such conditions need to be proportionate to the circumstances requiring a response, relevant, directly related, fair and reasonable.
- As the Guidance states: *“Any refusal should be for reasons which demonstrate that the licensing objectives will not or are unlikely to be met”*. That means demonstrate by evidence.
- Conversely, the following considerations are legally irrelevant to the determination of an application for a premises licence:
 - i. A dislike of gambling.
 - ii. A general notion that it is undesirable to allow gambling premises in an area.
 - iii. Moral or ethical objections to gambling.
 - iv. The demand for gambling premises (see s 153 Gambling Act 2005). As such, objections which state that there are enough gambling establishments in a locality may be relevant to planning, but they are irrelevant to licensing.
 - v. Planning considerations (see section 210 Gambling Act 2005).
 - vi. Nuisance (see Guidance by Gambling Commission).

BACKGROUND - AGC

9. AGC premises are subject to a high degree of regulation to ensure they promote the licensing objectives.

- Premises and their management and operation are subject to the Gambling Commission's extensive Licence Conditions and Codes of Practice applicable to adult gaming centre operating licences.
- Premises licences are subject to mandatory conditions which are deemed as being appropriate for premises of this nature.
- The operation - stake and prize limits of machines - are strictly regulated through the Gambling Act 2005 and subsequent regulations. At least 80% of the machines in AGCs have the same stake and prize limits as pub fruit machines, with 20% having the same limits as high street bingo premises.

10. Chongie will ensure compliance through:

- Robust policies (attached).
- Training of all staff.
- Independent age verification testing.
- Mystery shopping.
- Venue audits.

AGC PREMISES AND THE LICENSING OBJECTIVES

Licensing Objectives under the Gambling Act 2005

11. In this Act a reference to the licensing objectives is a reference to the objectives of—
- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - (b) ensuring that gambling is conducted in a fair and open way, and
 - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

Crime and Disorder

12. Gambling on the high street is principally dominated by betting offices, with a ratio of 5:1 betting offices to AGCs. Occasionally betting shops can bring with them anti-social

problems including street drinking, disorder and loitering. AGCs do not experience these issues which occasionally are found at betting premises.

13. The style of operation between betting shops and AGCs are very different. There are no TV screens showing sports and therefore not football matches to watch live within them. As a result there is no communal seating area and no reason to gather or loiter at the premises.
14. The demographic who use an AGC is far more mixed than betting offices.
15. The physical layout of the premises are significantly different with staff walking the floor and greeting/supervising customers. They are not positioned behind a counter.

Children

16. No under 18s are permitted. There will be prominent Think 25 signage in the premises and those appearing under 25 will be requested to provide a valid ID. In addition, there will be periodic mystery shopping and venue audits to ensure that underage policies are being complied with.

Vulnerable people.

17. The applicant is sensitive to the presence of vulnerable people in the area. The applicant will ensure that alcohol/drugs/intoxication is not permitted on the premises. Sufficient staff will be at the premises to provide oversight of customers and gambling. They will engage with the customers. Drug and alcohol awareness and conflict management training will take place. There will be CCTV throughout the premises and social responsibility messaging. Significant information will be provided to help with problem gambling and liaison with gambling care providers. There will not be an ATM at the premises. The Local Area Risk Assessment will regularly be updated to incorporate any changes in local risk.

CONCLUSIONS

18. As a result of the above, it is argued on behalf of the applicant that:

- The applicant has significant experience in gambling regulation, is licensed by the Gambling Commission, and trades in many other jurisdictions in the AGC sector without issue.
- The operator has an operating licence and is regulated by the Gambling Commission.
- The applicant has fully assessed the local risks (as seen in the Local Area Risk Assessment attached), they are happy to engage with community representatives.
- There are no representations from any of the Responsible Authorities. They have never had issues with crime associated with the gambling at any of their premises.
- The applicant will ensure vulnerable people are protected through staffing levels and training and social responsibility measures.
- The applicant has produced an extensive due diligence and compliance documentation.

19. For all of the above reasons, it is submitted that the licence can be granted under Section 153 of the Gambling Act 2005. Accordingly, the Sub-Committee is requested to grant the application as asked.

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